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09/892,350	06/26/2001	Carrel W. Ewing	MLF-600-13	3551

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EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	**Applicant(s)**
Office Action Summary	09/892,350	EWING ET AL.
	Examiner	**Art Unit**	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 November 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-20*</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-20*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

     1.☐ Certified copies of the priority documents have been received.

     2.☐ Certified copies of the priority documents have been received in Application No. _____.

     3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1>   This action is in response to Applicant's request for continued examination, filed on

11.5.2007. Claims 1, 10, and 13 are amended. Claims 1-20 are presented for further examination.

2>   This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3>   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant

to 37 CFR 1.114. Applicant's submission filed on 11.5.2007 has been entered.

Response to Arguments

I.   APPLICANT'S AMENDMENTS DO NOT OVERCOME THE PRIOR ART REFERENCES.

Applicant's amendment does not overcome the cited prior art references. Applicant's

arguments also have been carefully considered but they are not considered persuasive for the

following reasons.

Applicant has provided two amendments to the independent claims. The first recites

that the power-control outlets are "connectable in power supply communication with the

power input" and the second recites that the configuration file affects "the power provided or

interrupted to the plurality of power-control outlets." As to the Nierlich reference,

Applicant's primary argument is that Nierlich's voltage channels do not read on the claimed

power-control outlets because the channels "do not provide operating power to one or more

separate electronic appliances, and are not able to provide or interrupt such power." As to the

Potega reference, Applicant simply argues that Potega does not disclose the claimed user

configuration file.

      A.   <u>Nierlich discloses power-control outlets are in communication with the power</u>
             <u>input of the power-distribution apparatus.</u>

As to claims 1 and 13, the first amendment is confusing as it recites that the power-

control outlets, which are "disposed" in a power-distribution apparatus are in communication

with the power input of the power-distribution apparatus. It should also be noted that

Applicant's specification is entirely devoid of any description for a "power input" for the

power-distribution apparatus and for connecting outlets to the power input; thus, the term is

given its broadest, reasonable interpretation. Here, the term is interpreted as simply referring

to the input that supplies power to the power-distribution apparatus.

Based on this interpretation, it would have been obvious to one of ordinary skill in the

art to have inferred that since the outlets are a component of the apparatus, that the outlets

would be in power supply communication with the power input of the apparatus. Nierlich

discloses that the voltage channels are connected to the power-distribution apparatus' power

supply [column 3 «lines 40-52»]. Based on Applicant's arguments, it seems that the

amendment was intended to refer to functionality where the outlets are in power supply

communication with the power inputs of the separate electronic appliances. However, this

feature is not what is being claimed.

B.   Nierlich discloses a configuration file that affects the power to the plurality of power-control outlets.

Nierlich discloses a configuration file [column 6 «line 60» to column 7 «line 15» where : Nierlich's curtailment instructions correspond to claimed power-control outlet user configuration file]. The configuration file contains curtailment instructions that affect the voltage channels which in turn affect the amount of power being supplied to the connected appliances [column 7 «lines 1-4»].

Additionally, Applicant argues that Nierlich's voltage channels do not provide power to the connected network devices. Nierlich is directed towards a systems "that monitor and control energy distribution" [abstract]. Nierlich further discloses that the voltage channels of the E1-2000 are responsible for controlling connected devices [column 4 «lines 16-20»] as well as curtailing the power to those connected devices [column 10 «lines 12-14»]. Some curtailment activities include turning on or off devices connected to the E1-2000 [column 11 «line 62» to column 12 «line 10»].

Based on the foregoing and after a careful reading of Nierlich's specification, the examiner maintains that Nierlich discloses that the E1-2000 provides or curtails power to devices through the use of its voltage channels. Nierlich discloses throughout the specification that the E1-2000, through its voltage channels, directly control the user's loads on its devices [for example, column 7 «lines 36-39»]. Nierlich's channels providing voltage to the connected devices is interpreted as the channels providing power to the connected devices. It is unclear why Applicant concludes that the channels cannot read on the power-

control outlets when the channels clearly provide (or interrupt) electricity to the connected

devices, which thereby powers on or off the devices.

C.   Potega and Nierlich disclose the amended limitations of claims 1 and 13.

Applicant further argues that Potega fails to disclose a user configuration file. Potega

clearly discloses the ability for a remote end user to send commands to the power-

distribution apparatus [column 31 «lines 5-8»]. Applicant's claim a configuration file, which

essentially is a file that contains a series of commands, and is extremely well known by one

of ordinary skill in the art. For the reasons discussed above, Nierlich's configuration file

reads on Applicant's claimed configuration file.

It would have been obvious to one of ordinary skill in the art to have modified Potega

to include Nierlich's configuration file. Configuration files and their benefits are well known

to one of ordinary skill in the art. Rather than sending commands one at time as taught by

Potega, one of ordinary skill in the art would have been motivated to use Nierlich's

configuration file to save on the amount communications that need to be sent across the

network.

II.   CONCLUSION

Based on the foregoing remarks, Applicant's arguments are not persuasive.

Applicant's amendments do not overcome the cited references. Therefore, the rejections set

forth in the previous action are maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

4>   Claims 1 and 3-14 are rejected under 35 U.S.C § 103(a) as being unpatentable over

Nierlich et al, U.S Patent No. 6.519.509 ["Nierlich"] in view of Karanam et al, U.S Patent

No. 6.266.713 ["Karanam"].

5>   Only those claims that are amended are formally addressed in this Office action.

Those claims not directly addressed remain rejected as set forth in the previous Office action.

Thus, the body of the rejections for those claims can be found in the previous Office action.

6>.   As to claim 1, Nierlich discloses a reconfigurable network-equipment power-

management system, comprising:

a power-distribution apparatus having a power input disposed in the power-

distribution apparatus and a communication interface disposed in the power-distribution

apparatus for communicating with a remote user system [abstract | column 3 «lines 27-39»

where : Nierlich's E1-2000, with power curtailment functionality, corresponds to claimed

power-distribution apparatus and Nierlich's management device corresponds to claimed

remote user system];

a plurality of power-control outlets disposed in the power-distribution apparatus, the

plurality of power-control outlets connectable in power supply communication with the

power input and one or more separate electronic appliances [column 3 «lines 40-52» | column

4 «lines 13-34»];

a plurality of power-control relays disposed in the power-distribution apparatus, each

of the plurality of power-control relays in power control communication with at least one

among the plurality of power-control outlets, whereby the plurality of power-control outlets

and the plurality of power-control relays provide operating power to the one or more separate

electronic appliances are able to interrupt the operating power to the one or more separate

electronic appliances [column 4 «lines 13-34» | column 7 «lines 16-33» | column 12 «lines 11-

19»];

a power-control outlet user configuration file accessible by the remote user system for

affecting the power provided or interrupted to the plurality of power-control outlets [column

7 «lines 26-33»], wherein the power-control outlet user configuration file comprises user

configuration data for each of the plurality of power-control outlets disposed in the power-

distribution apparatus [column 6 «line 60» to column 7 «line 15» where : Nierlich's

curtailment instructions correspond to claimed power-control outlet user configuration file];

a memory disposed in the power-distribution apparatus and having a power-control

outlet user configuration file storage area [column 3 «lines 53-62» | column 5 «lines 19-30» |

column 6 «line 60» to column 7 «line 15»]; and

at least one power controller board disposed in the power distribution apparatus, wherein the at least one power controller board corresponds to at least two of the plurality of power-control outlets [column 3 «lines 30-52»], the at least one power control board comprising a power-control outlet user configuration file transfer mechanism in communication with the communication interface accessible by the remote user system, whereby the power-control outlet user configuration file transfer mechanism imports the power-control outlet user configuration file from the power-distribution apparatus to the remote user system via the communication interface [column 6 «line 60» to column 7 «line 48»].

Nierlich does not expressly disclose exporting the power-control outlet user configuration file from the power-distribution apparatus to the remote user system. In the same field of invention, Karanam improves Nierlich by providing an exporting capability in Nierlich's communication interface. It should be noted here that it is well known in the art that a communication interface over a network such as one taught by Nierlich is traditionally a two-way street, providing both download and upload capability.

Karanam specifically teachings that a configuration file may be exported from a power apparatus to the remote user system, which allows a user to edit the power-control outlet user configuration file [column 5 «lines 1-39» | claims 19 and 20]. Thus, it would have been obvious to modify Nierlich to include Karanam's export capability into Nierlich's communication interfaces. One would have been modified to provide such a combination to enable Nierlich's remote user with the ability to retrieve files from the power distribution apparatus and edit them [see Karanam, abstract].

7>   As to claims 10-12, they do not teach or further define over the limitations of claims 1

and 5-8. Therefore, claims 10-12 are rejected for the same reasons set for claims 1 and 5-8.

8>   As to claim 13, Nierlich discloses a remote power manager system in communication

with a distal power manager application through a separate data communications network

[column 3 «lines 27-52»], the remote power manager system comprising in combination:

a remote power manager having a power input connectable to the power network, a

plurality of power-control power output ports connectable to power input and the associated

electronic devices [column 3 «lines 27-52» | column 3 «line 63» to column 4 «line 20»], a

power controller in controlling communication with the plurality of power-control power

output ports [column 3 «lines 27-30» | column 3 «line 63» to column 4 «line 20»], a data

communications network port system in communication with the power controller and being

connectable to said data communications network [column 3 «lines 9-26»], and a power

manager memory providing storage for a power-control power output port outlet user

configuration file, the power-control power output port user configuration file comprising

user configuration data for supplying or interrupting power to each of the plurality of power-

control power output ports [column 5 «lines 18-30» | column 6 «lines 60» to column 7 «line

15»].

Nierlich discloses a power-control power output port user configuration file transfer

application providing for selectably importing a power-control power output port user

configuration file from the distal power manager application through the data

communications port system to the power manager memory [column 6 «line 60» to column

7 «line 15»], but does not expressly disclose exporting the power-control power output port

user configuration file from the power manager memory through the data communications

network port system to the distal power manager application over the data communications

network.

Karanam discloses a power-control power output port user configuration file transfer

application providing exporting said power-control outlet user configuration file from said

power manager memory through said data communications network port system to said

distal power manager application over said data communications network [Figure 5 | column

5 «lines 1-39» | column 17 «lines 38-49» | claims 19 and 20]. It would have been obvious to one

of ordinary skill in the art to have modified Nierlich with Karanam's power-control power

output port user configuration file transfer application for exporting files to selectably

configure Nierlich's power supply device. One would have been motivated to provide such

an implementation in Nierlich to enable the power supply to be updated and configured for

new devices.

9>   Claim 2 is rejected under 35 U.S.C § 103(a) as being unpatentable over Nierlich and

Karanam, in further view of Potega, U.S Patent No. 6.459.175.

10>   Claims 15-20 are rejected under 35 U.S.C §103(a) as being unpatentable over Nierlich

and Karanam, in further view of Bersiek, U.S Patent No. 6.608.406.

11>   Claims 1, 13, and 14 are rejected under 35 U.S.C § 103(a) as being unpatentable over

Potega, in view of Nierlich, in further view of Karanam.

12>   As to claim 1, Potega discloses a reconfigurable network-equipment power-

management system, comprising:

a power-distribution apparatus having a power input disposed in the power-

distribution apparatus and a communication interface disposed in the power-distribution

apparatus for communicating with a remote user system [column 30 «line 49» to column 31

«line 45» where : Potega's power supply corresponds to a power controller apparatus and the

remote MCU corresponds to a remote user system];

a plurality of power-control outlets disposed in the power-distribution apparatus, the

plurality of power-control outlets connectable in power supply communication with the

power input and one or more separate electronic appliances;

a plurality of power-control relays disposed in the power-distribution apparatus, each

of the plurality of power-control relays in power control communication with at least one

among the plurality of power-control outlets, whereby the plurality of power-control outlets

and the plurality of power-control relays provide operating power to the one or more separate

electronic appliances and are able to interrupt the operating power to the one or more

separate electronic appliances [column 40 «lines 16-39» | column 42 «lines 4-31»];

a memory disposed in the power-distribution apparatus and having a power-control

outlet user configuration file storage area [column 63 «lines 39-46»]; and

at least one power controller board disposed in the power-distribution apparatus,

wherein the at least one power controller board corresponds to at least two of the plurality of

power-control outlets [column 40 «lines 16-39»].

Potega suggests transferring configuration information from a remote location and for

affecting the plurality of power-control ports [column 31 «lines 5-8»] as well as a file transfer

mechanism accessible by the remote user system [column 30 «line 63» to column 31 «line 8»]

but does not explicitly disclose a power-control outlet user configuration file accessible by the

remote user system for affecting the plurality of power-control ports and a file transfer

mechanism that is for importing and exporting the power-control outlet user configuration

file from the power-controller apparatus to the remote user system via the serial interface.

Nierlich discloses a power-control outlet user configuration file accessible by the

remote user system for affecting the power provided or interrupted to the plurality of power-

control outlets, wherein the power-control outlet user configuration file comprises user

configuration data for each of the power-control outlets disposed in the power-distribution

apparatus and importing the configuration file to the power-distribution apparatus from the

remote user system [column 6 «line 60» to column 7 «line 15» where : Nierlich's curtailment

instructions correspond to claimed power-control outlet user configuration file].

Karanam discloses a file transfer mechanism accessible by the remote user system for importing and exporting the power-control outlet user configuration file from the power-controller apparatus to the remote user system via the serial interface [column 4 «lines 20-28» | column 5 «lines 1-41» | column 7 «lines 2-11» | column 8 «lines 11-23» | column 17 «lines 33-49»].

It would have been obvious to one of ordinary skill in the art to modify Potega's power management system to include user configurable information as well as the ability to export and import said information. One would have been motivated to provide such an implementation in Potega to enable user control over the power supply device and to enhance the communication between the connected devices in the power network, a functionality suggested by Potega [column 31 «lines 9-45»]).

13>   As to claim 13, Potega discloses a remote power manager system in communication with a distal power manager application through a separate data communications network [column 30 «line 63» to column 31 «line 11»], the remote power manager system comprising in combination:

a remote power manager having a power input connectable to the power network that provides power to be distributed to associated network devices [column 31 «lines 24-45»], a plurality of power-control power output ports connectable to the associated electronic devices [column 6 «lines 16-39»], a power controller in power controlling communication with the plurality of power-control power output ports [column 31 «lines 31-45»], a data

communications network port system in communication with the power controller and being

connectable to the data communications network [claim 26], and a power manager memory

providing storage for a power-control outlet user configuration file [column 63 «lines 39-

46»].

Potega discloses a remotely controllable and updateable power supply device but does

not explicitly disclose a power-control outlet user configuration file transfer application

providing for selectably importing a power-control outlet user configuration file from said

distal power manager application through said data communications port system to said

power manager memory, or exporting said power-control outlet user configuration file from

said power manager memory through said data communications network port system to said

distal power manager application over said data communications network.

Nierlich discloses a power-control outlet user configuration file accessible by the

remote user system for affecting the plurality of power-control outlets and importing the

configuration file to the power-distribution apparatus from the remote user system [column

6 «line 60» to column 7 «line 15» where : Nierlich's curtailment instructions correspond to

claimed power-control outlet user configuration file].

Karanam discloses exporting said power-control outlet user configuration file from

said power manager memory through said data communications network port system to said

distal power manager application over said data communications network [Figure 5 | column

5 «lines 1-39» | column 17 «lines 38-49» | claims 19 and 20]. It would have been obvious to one

of ordinary skill in the art to have modified Potega with Nierlich and Karanam's power-

control outlet user configuration file transfer applications to selectably configure Potega's

power supply device. One would have been motivated to provide such an implementation in

Potega to enable the power supply to be updated and configured for new devices.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942.

The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-9199 (IN USA

OR CANADA) or 571-272-1000.

DC
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